IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.1981 OF 2005

Prakash Haribhau Londhe ...Petitioner

Vs.

The Additional Commissioner
Pune Division, Pune and Anr. ...Respondents

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Mr.Uday P.Warunjikar for Petitioner
Mr.R.M.Patne AGP for Respondent Nos. 1 and 2.

.....

CORAM : B.H.MARLAPALLE,J.

DATE : APRIL 1,2005

P.C.:

1. Heard Mr.Uday Warunjikar, the learned counsel for the Petitioner and Mr.Patne, the learned AGP for Respondent Nos.1 and 2.

2. Being aggrieved by the order passed by the Collector at Pune on 9.8.2004 under Section 48(7) of the Maharashtra Land Revenue Code, the Petitioner has filed Appeal No. 96 of 2004 before the Divisional Commissioner under Section 247 of the said Code and the Appeal is pending. However, the prayer for stay to the order passed by the Collector has been turned down on 23.3.2005 by the Additional Divisional Commissioner at Pune. Hence, this petition.

3. The public auction notice has been issued by the Tahsildar and therefore, the Petitioner requires protection pending the Appeal.

4. In the facts and circumstances of this case, the Petition can be disposed of by directing the lower Appellate Authority to decide the Appeal as per law within a fixed period and by granting protection to the Petitioner.

5. It is accordingly directed that the Appeal No.96 of 2004 presently pending before the Additional Divisional Commissioner, be heard and decided on its own merits as expeditiously as possible and in any case within a period of two months from today. The order under challenge in the Appeal and passed by the Collector on 9.8.2004, shall remain suspended till the Appeal is decided.

6. Writ Petition is disposed of accordingly.

[B.H.MARLAPALLE,J.]